

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT

CIVIL ACTION NO. 04-02541

TIN CHIN,

Plaintiff,

v.

CVS PHARMACY, INC,

Defendant,

REMOVAL TO U.S. DISTRICT COURT


FILED
CLERK OF COURT
2004 AUG 13 P 12:30
U.S. DISTRICT COURT
DISTRICT OF MASS

**Commonwealth of Massachusetts
SUPERIOR COURT DEPARTMENT
THE TRIAL COURT
CAMBRIDGE**

MICV 2004-02541

I, Karen O'Connor, Deputy Assistant Clerk of the Superior Court, within and for said County of Middlesex, do certify that the annexed papers are true copies made by photographic process of pleadings entered in the Superior Court on the June 24, in the year of our Lord Two Thousand Four.

In testimony whereof, I hereunto set my hand and affix the seal of said Superior Court, at Cambridge, in said County, this July 22, in the year of our Lord Two Thousand Four.


Deputy Assistant Clerk



MICV2004-02541

Chin, Foe And In Hehalf Of himself And All Other Current Or v CVS Pharmacy, Inc.

File Date	06/24/2004	Status	Disposed: transfered to other court (dtrans)
Status Date	07/22/2004	Session	F - Cv F (10A Cambridge)
Origin	1	Case Type	A99 - Misc contract
Lead Case		Track	F

Service	09/22/2004	Answer	11/21/2004	Rule12/19/20	11/21/2004
Rule 15	11/21/2004	Discovery	04/20/2005	Rule 56	05/20/2005
Final PTC	06/19/2005	Disposition	08/18/2005	Jury Trial	No

PARTIES

Plaintiff

Tim Chin, Foe And In Hehalf Of himself And All
Other Current Or
Former Employee Pharmacists Similalry Situated
Active 06/24/2004

Private Counsel 559208

Laurence E Sweeney
9 Lynn Avenue
North Chelmsford, MA 01863
Phone: 978-251-1711
Fax:
Active 06/24/2004 Notify

Defendant

CVS Pharmacy, Inc.
Service pending 06/24/2004

ENTRIES

Date	Paper	Text
06/24/2004	1.0	Complaint & civil action cover sheet filed
06/24/2004		Origin 1, Type A99, Track F.
07/22/2004	2.0	Case REMOVED this date to US District Court of Massachusetts by deft.CVS Pharmacy, Inc.
07/22/2004		REMOVED TO U.S. DISTRICT COURT OF MASS

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COPY

10/13/04 P 2:51

TIM CHIN,

Plaintiff,

vs.

CVS PHARMACY, INC.,

Defendant.

Civil Action No.

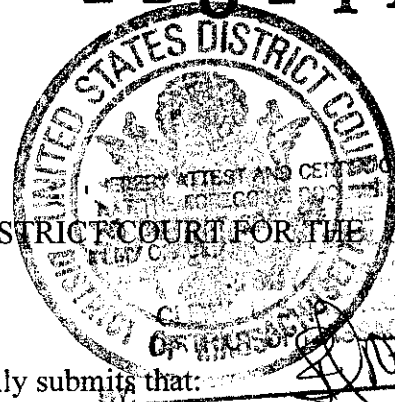
04 - 11614 RGS

NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS:

Defendant CVS Pharmacy, Inc. ("CVS") respectfully submits that:

1. On or about June 24, 2004, CVS was served with a Summons and Complaint in the matter entitled Tim Chin v. CVS Pharmacy, Inc., which was filed in Massachusetts Superior Court, Middlesex County.
2. The process, pleadings, and orders served upon Defendant to date in this matter, copies of which are attached hereto as Exhibit A, are as follows:
 - a. Summons;
 - b. Civil Action Cover Sheet;
 - c. Complaint;
 - d. Consent to Join Action Under 29 U.S.C. § 216;
 - e. Tracking Order;
 - f. Plaintiff's First Request for Production of Documents;
 - g. Plaintiff's First Request for Admissions; and

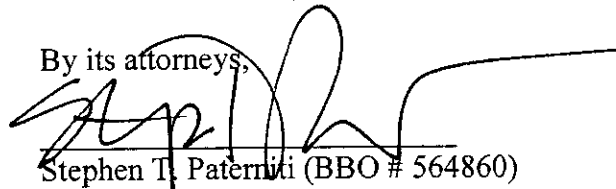


- h. Plaintiff's First Set of Interrogatories Propounded to the Defendant;
3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, because the action presents a claim arising under the Constitution, Law, or Treaties of the United States, as the Plaintiff has asserted federal statutory claims pursuant to 29 U.S.C. § 201 *et seq.* pertaining to the Fair Labor Standards Act.
4. Accordingly, this action is removable to this Court under 28 U.S.C. § 1441.
5. CVS will notify the Middlesex Superior Court and all adverse parties of this Notice of Removal by filing with the court a Notice of Filing of Notice of Removal. A copy of that notification, which will be sent to the Middlesex Superior Court, is attached hereto as Exhibit B.

Respectfully submitted,

CVS PHARMACY, INC.

By its attorneys,



Stephen T. Paterniti (BBO # 564860)

Amanda S. Rosenfeld (BBO # 654101)

Jackson Lewis LLP

75 Park Plaza

Boston, MA 02116

Dated: July 20, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July, 2004, a copy of the foregoing was served on Plaintiff's attorney, Laurence E. Sweeney, 9 Lynn Avenue, North Chelmsford, MA 01863, via first-class mail, postage prepaid.



Jackson Lewis LLP

Representing Management Exclusively in Workplace Law and Related Litigation

jackson lewis
Attorneys at Law

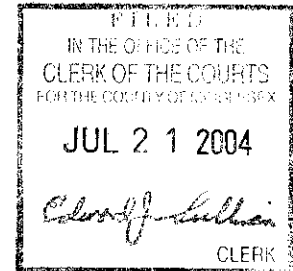
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July 20, 2004

Civil Clerk's Office
Middlesex Superior Court Department
Superior Court House
40 Thorndike Street
Cambridge, MA 02141

Re: *Tim Chin v. CVS Pharmacy, Inc.*
Civil Action No. 04-2541



Dear Sir/Madam:

I enclose for filing and docketing the Notice of Filing of Notice of Removal and a certified copy of the Notice of Removal in this matter. Please forward certified copies of all pleadings with an invoice to my attention.

Thank you for your cooperation and assistance in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

JACKSON LEWIS LLP

Amanda S. Rosenfeld

Enclosures

cc: Stephen T. Paterniti
Laurence E. Sweeney

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July, 2004, a copy of the foregoing was served on Plaintiff's attorney, Laurence E. Sweeney, 9 Lynn Avenue, North Chelmsford, MA 01863, via first-class mail, postage prepaid.


Jackson Lewis LLP